



June 27, 2024

ADP Transport Ltd.  
16700 River Road  
Richmond, BC V6V 1L7

## **ADP Transport Ltd. (CTC Decision No. 06/2024) – Decision Notice**

### **Overview**

1. In ADP Transport Ltd. (CTC Decision No. 06/2024) (“Commissioner’s Decision”) I found that ADP Transport Ltd. (“ADP”) failed to provide trips sheets for May and October of 2019, March and October of 2020, June and December of 2021 in contravention of Appendix D s. 4(f) of its Container Trucking Services (“CTS”) licence and failed to maintain electronic payroll records in May 2023 in contravention of section 6.10 of its CTS license. An administrative penalty of \$5,000 was proposed.
2. Consistent with s. 34(2) of the *Act*, ADP was given seven (7) days to provide a written response setting out why the proposed penalty should not be imposed. I also ordered ADP to become compliant with section 6.10 of the CTS license within 45 days of the Commissioner’s Decision.
3. ADP provided a written argument in response to the proposed penalty within the specified timeframe. I have considered ADP’s response to the Commissioner’s Decision and provide the following Decision Notice.

### **ADP’s Response**

4. ADP does not deny that it failed to provide the auditor with trip sheets created by its drivers for May and October of 2019, March and October of 2020, June and December of 2021 (“Missing Trip Sheets”) but states that the information was not collected due to COVID-19 and was redundant and unnecessary anyway because it has relied on a GPS system to track its drivers’ hours since 2017.
5. ADP denies that it was in breach of section 6.10 of its 2022 CTS Licence in May 2023 and explains that the Timecard Reports provided in response to the Audit Report did not synchronize with the drivers’ names used to generate the payroll records. ADP has now provided an electronically generated Timecard Report for March 1-15, 2023 (“March 2023 Timecard”) showing the email addresses of drivers next to the time the driver started and ended the day with a total duration of hours listed. ADP has also resent the Timecard Report for May 2023 (“May 2023 Time Card”) that it provided in response to the Audit Report, showing the date and time each truck unit started and ended.
6. ADP maintains that the drivers’ handwritten trip sheets are not involved in generating a driver’s payroll but did not provide an explanation as to why drivers do maintain trip sheets.

### **Consideration of Licensee's Response**

7. ADP's response to the Commissioner's Decision simply restates its explanation for the Missing Trip Sheets and I did not accept its explanation for the reasons set out in paragraph 19 of the Commissioner's Decision.
8. Similarly, ADP has resented the same documentation that was before me in the Commissioner's Decision in support of its claim that it was in compliance with section 6.10 of its CTS and I rejected that evidence for the reasons set out in paragraph 20 of the Commissioner's Decision.
9. I am unclear how the March 2023 Timecard is of assistance as it is for a period of time that is outside the Audit Period but within the Audit Scope. ADP may be relying on the information to demonstrate that is now compliant with section 6.10 of its CTS licence as I required at paragraph 26(a) of the Commissioner's Decision, and I will forward the March 2023 Timecard to the auditor to follow up with ADP on this.

### **Conclusion**

10. I am not persuaded to refrain from imposing an administrative penalty based on the response provided by ADP. Having carefully considered ADP's submission, and for the reasons set out in the Commissioner's Decision, I hereby order ADP to pay an administrative fine of \$5,000.00.
11. Section 35(2) of the *Act* requires this fine to be paid within 30 days of the issuance of this Decision Notice.
12. Finally, I note that ADP may request a reconsideration of this decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after the company's receipt of this Decision Notice. A Notice of Reconsideration must be:
  - a) made in writing;
  - b) identify the decision for which a reconsideration is requested;
  - c) state why the decision should be changed;
  - d) state the outcome requested;
  - e) include the name, an address for delivery, and telephone number of the applicant and, if the applicant is represented by counsel, include the full name, address for delivery and telephone number of the applicant's counsel; and
  - f) signed by the applicant or the applicant's counsel.
13. Despite the filing of a Notice of Reconsideration, the above order remains in effect until the reconsideration application is determined.

This decision notice along with the commissioner's decision will be published on the OBCCTC's website.

Dated at Vancouver, B.C., this 27th day of June 2024.

A handwritten signature in blue ink, appearing to read "Glen MacInnes". The signature is written in a cursive, flowing style.

Glen MacInnes  
Commissioner